

Hi Ashlee and Morehu,

Could you please ensure that the following is provided to the Minister together with this evening's Amendment Order. The order has just been provided to you directly from PCO.

### **High Level Summary of the Amendment Order**

#### ***Allowing childcare providers to uplift children in their care***

The order does not currently make provision for a childcare provider to pick up the child in order to return to their own home, where the care would take place. The amendment to cl 16(ib) makes provision for this to occur.

#### ***Allowing in-patients to return from hospital care or***

The order currently does not make provision for people who were inpatients in hospital or similar care at the outset of the AL4 to return home (or to another appropriate home or place of residence, including another medical facility) upon being discharged. The amendments to cl 16(l) and (la) make a provision for this to occur.

#### ***Adding the Golden Bay Cement manufacturing plant in Portland, Whangarei, as an Alert Level Four Business***

This is in response to a submission made by Fletcher Business, the owners of Golden Bay Cement. This was received and considered by MBIE, who recommended this amendment on the basis that the rationale for this operation continuing to operate is consistent with the rationale for the existing named businesses (Tiwai Point aluminium smelter, Methanex and NZ Steel) also operating. Those reasons are:

1. None of the operations could be stopped quickly without causing serious Health & Safety risk;
2. Stopping the operations has significant economic implications; and
3. The businesses provide goods vital to support supply chains and activities necessary for the resumption of economic activity at lower alert levels.

The amendment order including adds the Golden Bay Cement manufacturing plant in Portland, Whangarei to the existing list of named AL4 Businesses.

#### ***Not included – Provisions for Floriculture and Turf Management***

We had previously indicated that this Amendment Order would include provision for certain floriculture and turf-management activities. However, it was identified during the drafting process that further work is required to define the scope of activities required in this space, and to ensure that an amendment does not allow for unintended activity to be undertaken outside of the scope intended. We will continue the policy work on this matter and propose an amendment as required.

#### **48 Hour Notification Period**

The COVID-19 Public Health Response Act 2020 (the Act) requires that a COVID-19 order must be published and gazetted at least 48 hours before it comes into force. However, this notice period is not required to be observed where the Minister is satisfied that the order should come into force

urgently to prevent or contain the outbreak or spread of COVID-19 or where the effect of the order is only to remove or reduce requirements imposed by a COVID-19 order.

In this instance, amendments to the order either clarify existing settings or are a reduction of otherwise applicable requirements. Accordingly, we consider that the 48-hour notice period need not be observed in this case.

### **Consultation**

The Act requires that before making a COVID-19 order, you consult with the Prime Minister, the Minister of Justice, and the Minister of Health.

Your office kindly facilitated consultation with the relevant Minister's offices on the basis of a summary of the amendments last night and earlier today. Accordingly, this requirement has been complied with.

### **Public Health Advice**

The Act requires that before making a COVID-19 order, you must have had regard to advice from the Director-General of Health about the risks of the outbreak or spread of COVID-19 and the nature and extent of measures (whether voluntary or enforceable) that are appropriate to address those risks.

These amendments are consistent with public health advice that has been provided previously or otherwise clarify the settings upon which public health advice has already been given.

The Ministry of Health has reviewed a summary of the proposed amendments and confirms that they have no additional public health concerns

### **New Zealand Bill of Rights Act 1990**

A matter for you to consider each time an order is proposed is whether the exercise of such powers will be appropriate. The power to make an order under section 11 of the Act must be exercised consistently with the New Zealand Bill of Rights Act 1990 (NZBORA).

s9(2)(h)



s9(2)(h)



Proactively Released